



## DECLARATION

As the below-named inventor, I declare that:

My residence, post office address, and citizenship are as stated below under my name.

I believe I am the original, first, and sole inventor of the invention entitled "THYMIDINE KINASE MUTANTS AND FUSION PROTEINS HAVING THYMIDINE KINASE AND GUANYLATE KINASE ACTIVITIES," which is described and claimed in the specification and claims of Patent Application No. 09/173,463, which I filed in the United States Patent and Trademark Office on October 14, 1998 and for which a patent is sought.

I have reviewed and understand the contents of the above-identified specification and claims, as amended by any amendment specifically referred to herein (if any).

I acknowledge my duty to disclose information of which I am aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Margaret E. Black  
Margaret E. Black

Date December 7, 1998

Residence : City of Pullman, County of Whitman  
State of Washington

Citizenship : United States of America

P.O. Address : 312 State Route 377 MA  
Pullman, Washington 99163

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Margaret E. Black  
Attorney's Docket No: 240052.429  
Application No.: 09/173,463  
Filed: October 14, 1998  
For: THYMIDINE KINASE MUTANTS AND FUSION PROTEINS  
HAVING THYMIDINE KINASE AND GUANYLATE KINASE  
ACTIVITIES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) -- SMALL BUSINESS CONCERN**

I declare that I am:

- ☐ the owner of the small business concern identified below.  
☒ an official of the small concern empowered to act on behalf  
of the concern identified below.

NAME OF CONCERN: Darwin Molecular Corporation  
ADDRESS OF CONCERN: 1631 220<sup>th</sup> Street Southeast  
Bothell, Washington 98021

I declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §§ 121.3-18 and reproduced in 37 C.F.R. § 1.9(d) for purposes of paying reduced fees under 35 U.S.C. §§ 41(a) and 41(b) in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I declare that rights under contract or law have been conveyed to and remain with the small business concern with regard to the invention entitled:

**THYMIDINE KINASE MUTANTS AND FUSION PROTEINS HAVING  
THYMIDINE KINASE AND GUANYLATE ACTIVITIES**

by inventor: Margaret E. Black  
as described in:

- ☐ the specification filed herewith.  
☒ Application No. 09/173,463, filed October 14, 1998.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the

invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).\*

\*NOTE: Separate verified statements are required from each named person, concern and organization having rights to the invention averring to his/its status as a small entity. (37 C.F.R. § 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

- ☐ individual  
☐ small business concern  
☐ nonprofit organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

- ☐ individual  
☐ small business concern  
☐ nonprofit organization

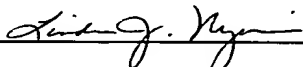
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Linda J. Nyari, Esq.

TITLE OF PERSON OTHER THAN OWNER: Vice President & General Counsel

ADDRESS OF PERSON SIGNING: 1631 220<sup>th</sup> Street Southeast  
Bothell, Washington 98021

SIGNATURE: 

DATE: 12/11/98

## ASSIGNMENT

WHEREAS, I, Margaret E. Black (hereinafter referred to as ASSIGNOR), having a post office address of 312 State Route 27, Pullman, Washington 99163, am the sole inventor of an invention entitled "THYMIDINE KINASE MUTANTS AND FUSION PROTEINS HAVING THYMIDINE KINASE AND GUANYLATE KINASE ACTIVITIES," as described and claimed in the specification for which an application for United States letters patent was filed on October 14, 1998, and assigned Application No. 09/173/463; and

WHEREAS, Darwin Molecular Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at 1631 220<sup>th</sup> Street Southeast, Bothell, Washington 98021, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

December 7, 1998  
Date

Margaret E. Black  
Margaret E. Black

State of Washington )  
County of Whitman ) ss.

I certify that I know or have satisfactory evidence that Margaret E. Black is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated December 7, 1998  
Signature of Notary Public J. Dana Lohrey  
Printed Name F. DANA LOHREY  
My appointment expires 9/12/2000